

FAQs Regarding Section 511

Question: What's the point?

Answer: Under the Workforce Innovation and Opportunity Act (WIOA), Congress wants to ensure that individuals with disabilities, especially youth, have a meaningful opportunity to prepare for, obtain, maintain, advance in, or regain competitive integrated employment, including supported or customized employment.

Question: What is competitive integrated employment?

Answer: The individual with a disability is compensated at or above minimum wage, but not less than the wage paid for the same work for non-disabled workers. It occurs in a setting typically found in the community in which individual workers with disabilities interact with non-disabled workers. It can be performed on a full or part time basis.

Question: Can an individual go to day supports without going through VR?

Answer: An individual can go to day supports without going through VR if they are not doing any type of sub-minimum wage work. An individual can go to day supports for vocational training and exploration, rec leisure, etc.

Question: What is the process to apply for VR?

Answer: The process to apply for VR has not changed. Contact the VR office to complete an application if the individual wants to work.

Question: What if the skill deficits of the individual applying for VR services are “too severe?”

Answer: In order for an individual who applies for VR to be determined too severe:

- there needs to be trial work to show clear and convincing evidence that the individual cannot be competitively employed; or
- they need to have an Individualized Plan for Employment (IPE) and were unable to achieve the employment outcome, despite reasonable accommodations and support.

Question: What if an individual does end up going to a sub-minimum wage job?

Answer: If an individual does go to sub-minimum wage employment, VR or their contractor must:

- follow up every 6 months for the 1st year and annually thereafter for the duration of such employment; and
- provide career counseling and information and referral services designed to promote opportunities for competitive integrated employment regardless of age.

This can stop if the individual says they do not want any type of employment.

Question: Should a VR Counselor come to the ID/DD Transition meeting when the student is age 20?

Answer: Yes, VR should be involved in the transition meeting.

Question: Who does this section of the law apply to?

Answer: This is for individuals coming out of secondary education and up to age 24. The people that are currently in day supports are grandfathered in.

For those that are currently in day supports and want to try competitive employment, VR has contracted with 4 providers across the state to provide expanded SEP while exploring and developing opportunities and practices. DVR will look at revising policies as a result of the findings.

Question: When does this start?

Answer: This becomes effective on July 22, 2016. It is recommended that all students graduating in May 2016, who are interested in any type of employment, should come through VR.

ND DVR will be adding to these FAQs as questions come in. To view any new additions go to:

<https://www.nd.gov/dhs/dvr/>